

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

NADEZDA STEELE-WARRICK,
individually and on behalf of all others
similarly situated,

Plaintiff
vs.

MICROGENICS CORPORATION AND
THERMO FISHER SCIENTIFIC INC.,

Defendants

Hon. Vera M. Scanlon
CASE 1:19-cv-06558-VMS

**DEFENDANT MICROGENICS
CORPORATION'S NOTICE OF
MOTION TO DISMISS PLAINTIFF'S
FIRST AMENDED CLASS ACTION
COMPLAINT AND TO STRIKE CLASS
ALLEGATIONS**

PLEASE TAKE NOTICE that Defendant Microgenics Corporation shall move before the Honorable Vera M. Scanlon, United States Magistrate Judge, on a date and at a time to be set by the Court, for an Order pursuant to Rules 12(b)(6) and 12(f) of the Federal Rules of Civil Procedure dismissing Plaintiff's First Amended Class Action Complaint for failure to state a claim upon which relief can be granted and striking the class allegations.

PLEASE TAKE FURTHER NOTICE that Microgenics Corporation shall rely upon the accompanying Memorandum of Law in support of its Motion, and upon the record and pleadings filed herein.

Respectfully submitted,

Dated: April 24, 2020.

s/Christopher R. Carton
Christopher R. Carton (ID # CC0408)
Erica Mekles (ID # EM1020)
BOWMAN AND BROOKE LLP
317 George Street, Suite 320
New Brunswick, NJ 08901
Telephone: (201) 577-5175
chris.carton@bowmanandbrooke.com
erica.mekles@bowmanandbrooke.com

Nathan J. Marcusen (*admitted PHV*)
BOWMAN AND BROOKE LLP
150 South Fifth Street, Suite 3000
Minneapolis, MN 55402
Telephone: (612) 339-8682
nathan.marcusen@bowmanandbrooke.com

Attorneys for Defendant Microgenics Corporation